



California Regional Water Quality Control Board San Diego Region

Lisa S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>



Arnold Schwarzenegger
Governor

September 15, 2006

CERTIFIED MAIL
7099 3400 0016 5764 9338

Ms. Ronne Froman
Chief Operating Officer
City of San Diego
202 C Street, 11th Floor
San Diego, CA 92101

In reply refer to:
SWU:10-5015.02:hammp

RE: NOTICE OF VIOLATION AND REQUIRED TECHNICAL REPORT

Dear Ms. Froman:

Enclosed is **Notice of Violation (NOV) No. R9-2006-0046** for violations identified during review of the City of San Diego's (City) Urban Runoff Management Plan Fiscal Year 2005 Annual Report (Annual Report).

The Annual Report exhibits two categories of violations which occurred during the reporting period. This first category of violations is the City's failure to conduct all required follow-up investigations and inspections of the MS4 where dry weather field screening and analytical monitoring results indicated a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm water discharges. Such follow-up investigations and inspections are required by section F.5.c of Order No. 2001-01. In section 11.1.1.1 of its Annual Report, the City reported that 105 dry weather monitoring sites exceeded criteria used to trigger illicit discharge investigations, but that only 16 investigations were conducted. Investigations of illicit discharges are necessary because non-storm water discharges are prohibited from entering the MS4 and can contain high levels of pollutants which can be detrimental to beneficial uses of receiving waters. Such investigations must be conducted in a timely manner to ensure that illicit discharges are not ongoing and causing chronic impacts to receiving waters.

The second category of violations is the City's failure to prioritize its inventory of industrial sites and classify each site as high, medium, or low threat to water quality. Prioritization of all industrial sites within the City is required by section F.3.b.(2) of Order No. 2001-01. Section 14.2.2.2 of the City's Annual Report exhibits that the City has not accurately prioritized the industrial sites within the City. Prioritization of industrial sites is necessary to ensure that the City provides the correct amount of oversight for each industrial site in its jurisdiction. Industrial sites can be significant sources of pollutants in urban runoff if not adequately overseen and inspected by municipalities.

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The City must ensure that adequate corrective measures are implemented immediately to address these violations. The violations can be corrected by (1) conducting all required dry weather field screening and analytical monitoring follow-up investigations and inspections, and (2) evaluating all inventoried industrial sites and prioritizing them as high, medium, or low threats to water quality.

Pursuant to California Water Code (CWC) sections 13267 and 13383, the San Diego Regional Water Quality Control Board (Regional Board) directs you to submit a Required Technical Report (RTR) to be received at the Regional Board no later than 5:00 PM, November 15, 2006. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to assess the City's compliance with Regional Board Order No. 2001-01 and to assess the need for further possible enforcement actions. The RTR shall include the following sections:

1. A section which describes in detail the follow-up investigation conducted for each monitoring location where dry weather field screening or analytical monitoring results exceeded action levels during the reporting period covered in the Annual Report. Include identification of any detected illicit discharges found during follow-up investigations, as well as confirmation that detected illicit discharges have been eliminated.
2. A section which describes in detail the steps that will be taken to ensure follow-up investigations will be conducted in a timely manner during the current and future reporting periods at all monitoring locations where dry weather field screening or analytical monitoring results exceed action levels. Include a description of the maximum time period that will be allowed to elapse between receipt of field screening and analytical monitoring results and initiation of any required follow-up investigations. Provide the rationale exhibiting that the maximum time period allowable before initiation of follow-up investigations is effective at prohibiting non-storm water discharges from entering the City's MS4 and protective of receiving waters.
3. A prioritized watershed-based inventory of all industrial sites within the City.
4. A section which describes in detail the evaluation and prioritization process used by the City to prioritize each industrial site.
5. A section which lists any new high priority industrial sites that have been identified and describes the processes the City will use to oversee the sites, including information on any inspections to be conducted.

The submitted RTR shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

All documents requiring signature shall be signed per the San Diego Municipal Storm Water Permit, Water Quality Order No. 2001-01, Attachment C, Section B.9.a.3, as follows:

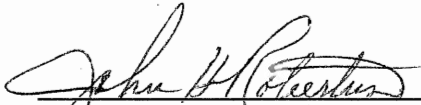
"For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (a) the chief executive officer of the agency; or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of the USEPA)."

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385. Questions pertaining to the RTR and the enclosed NOV should be directed to Mr. Phil Hammer at (858) 627-3988 or phammer@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence, please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Written correspondence should be directed to the following address:

John H. Robertus
Executive Officer
Attn: Phil Hammer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



JOHN H. ROBERTUS
Executive Officer

9-15-2006

DATE

Attachments: Notice of Violation No. R9-2006-0046



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September 15, 2006

IN THE MATTER OF)

Ms. Ronne Froman)
Chief Operating Officer)
City of San Diego)
202 C Street, 11th Floor)
San Diego, CA 92101)

NOTICE OF VIOLATION
NO. R9-2006-0046

WDID NO.
9 000000510

Order No. 2001-01, NPDES No. CAS0108758

**Subject: Follow-up Investigations of Dry Weather Field Screening Results and
Prioritization of Industrial Facilities**

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in San Diego Regional Water Quality Control Board (Regional Board) Order No. 2001-01, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District. Such violation subjects you to possible enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

SUMMARY OF VIOLATIONS

I. Failure to Conduct Follow-up Investigations of Dry Weather Field Screening Results

You failed to comply with section F.5.c of Order No. 2001-01 by not conducting follow-up investigations and inspections of the MS4 where dry weather field screening and analytical monitoring results indicated a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm water discharges. During review of the City's Annual Report, Regional Board staff observed and documented the following violation:

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While 105 dry weather monitoring sites exceeded the action levels which trigger illicit discharge investigations, only 16 follow-up investigations were conducted.

II. Failure to Prioritize Industrial Sites

You failed to comply with section F.3.b.(2) of Order No. 2001-01 by not prioritizing the inventory of industrial sites and classifying each site as high, medium, or low threat to water quality. During review of the City's Annual Report, Regional Board staff observed and documented the following violation:

The City's database of industrial sites does not accurately prioritize all of the sites into their appropriate high, medium, and low categories.

Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Phil Hammer at (858) 627-3988 or phammer@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Michael P. McCann
Supervising Water Resource Control Engineer
Attn: Phil Hammer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340


JOHN H. ROBERTUS
Executive Officer

9-15-2006
DATE